

**DELEGATION OF AUTHORITY
THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)**

Cost Recovery Non-Judicial Agreements and Administrative Consent Orders

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including sections 104, 107 and 122(h), to enter into or exercise concurrence in non-judicial agreements or administrative orders on consent for the recovery of costs of response.
2. **TO WHOM REDELEGATED.** Through the Director, Superfund and Emergency Management Division, or equivalent, to the Branch Chiefs, Emergency Management Branch and Remedial Cleanup Branch, or equivalents.
3. **LIMITATIONS.**
 - a. The division director or branch chief should consult with the AA for OECA consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.
 - b. This authority does not include de minimis settlements under CERCLA Section 122(g).
 - c. This authority does not include referral of cost recovery claims for resolution by arbitration of representation of the U.S. Environmental Protection Agency at arbitration hearings, conferences and negotiations.
 - d. The clearance or approval of the form, text, and legal sufficiency of each legally operative document issued pursuant to this delegation must be obtained from the Regional Counsel, or equivalent, before signing and issuing such document.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically delegated.
5. **SUPERSESSION.** This delegation supersedes R10 14-14-D (11/30/2017) any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
 - a. All applicable EPA guidance and directives.
 - b. Authority to enter consent orders for administrative actions is delegated in agency Delegation 14-14C, "Administrative Actions through Consent Orders."

- c. Authority to refer cost recovery claims for resolution by arbitration and to represent the Agency at arbitration hearings, conferences and negotiations is delegated in agency Delegation 14-14F, "Cost Recovery Arbitration."
- d. Authority to enter into or exercise agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in agency Delegation 14-14E, "De Minimis Settlements."
- e. As required by Section 122(h)(1) of CERCLA, if total response costs at the facility exceed \$500,000 (excluding interest), the agency may not compromise the claim without the prior written approval of the Attorney General.
- f. EPA Delegation 14-14-D.

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Date



Chris Hladick
Regional Administrator